

TOWN OF NEW WINDSOR
PLANNING BOARD

APPROVED COPY

DATE: June 1, 2005

Map Number 646-05 City 1st
Section 9 Block 1 Lot 55.24 Town 1st Village New Windsor

Title: Town of New Windsor +
Angenia Brothers

Dated: 1/8/2004 Filed: 8/22/2005

Approved by James Petro Jr.
on 7/28/2005

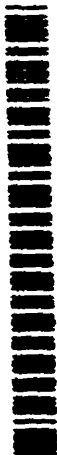
Record Owner Town of New Windsor +
New Windsor Equipment DONNA L. BENSON
Rentals + Services Inc. Orange County Clerk

lot line change

1 sheet = \$10 total

0334

RECORDED/FILED ORANGE COUNTY
BOOK 02005 PAGE 0646
08/22/2005 10:47:51
FILE NUMBER 20050089991
RECEIPT#463348 patti



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/08/2005

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR

APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/01/2005	PLANS STAMPED	APPROVED
09/22/2004	P.B. APPEARANCE - EXT OF APP . EXPIRES MARCH 19, 2005	GRANTED 2 90-DAY EXT
03/24/2004	P.B. APPEARANCE . SUBMIT PLAN SHOWING USE OF NEW PROPERTY FOR FILE AND . STAMPING	LA:ND WVE PH APPCON
10/22/2003	P.B. APPEARANCE	REFER TO ZBA
10/01/2003	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/19/2005


PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/15/2003	REC. CK. #003586	PAID		150.00	
10/22/2003	P.B. ATTY FEE	CHG	35.00		
10/22/2003	P.B. MINUTES	CHG	13.50		
03/24/2004	P.B. ATTY FEE	CHG	35.00		
03/24/2004	P.B. MINUTES	CHG	38.50		
05/17/2005	P.B. ENGINEER FEE	CHG	211.80		
05/19/2005	REC. CK. #004487	PAID		183.80	
		TOTAL:	333.80	333.80	0.00


5/20/05

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#465-2005

05/19/2005

New Windsor Equipment Rental & Service Inc. *P. B #03-34*

Received \$ 150.00 for Planning Board Fees, on 05/19/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/19/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/17/2005	LL CHG APPROVAL	CHG	150.00		
05/19/2005	REC. CK. #004488	PAID		150.00	
			-----	-----	-----
		TOTAL:	150.00	150.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/17/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/17/2005	LL CHG APPROVAL	CHG	150.00		
			-----	-----	-----
		TOTAL:	150.00	0.00	150.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/17/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/15/2003	REC. CK. #003586	PAID		150.00	
10/22/2003	P.B. ATTY FEE	CHG	35.00		
10/22/2003	P.B. MINUTES	CHG	13.50		
03/24/2004	P.B. ATTY FEE	CHG	35.00		
03/24/2004	P.B. MINUTES	CHG	38.50		
05/17/2005	P.B. ENGINEER FEE	CHG	211.80		
		TOTAL:	333.80	150.00	183.80

NEW WINDSOR EQUIPMENT RENTAL/TOWN OF WINDSOR LOT LINE
CHANGE 02-34

Mr. Genaro Argenio appeared before the board for this proposal.

MR. PETRO: Application involves lot line change to convey approximately 2.34 acres from the Town of New Windsor to the Town to New Windsor Equipment. This application was previously reviewed at the 22 October, 2003 meeting. Sent to the zoning board for necessary variance which you received. Okay, you want to say anything?

MR. J. ARGENIO: I'm going to abstain from voting on this because I am a minority shareholder in New Windsor Equipment Rentals but I will comment on it if any of the members want any information because I do have intimate knowledge of the procedure.

MR. PETRO: Your name, sir, for the minutes?

MR. G. ARGENIO: Genaro Argenio, president of New Windsor Equipment Rentals. I was previously here as you know we have permission from the planning board for the use when it was a rental property the Town of New Windsor, the Town of New Windsor and New Windsor Equipment Rentals agreed to a sale, that sale could not happen without a lot line change which the zoning board, which we needed zoning board approval which we have now gotten at this point then we're looking for the lot line change.

MR. EDSALL: Lot line change did not need the variance, it's the use that needs the variance, which is when they need to make an application for the site plan amendment so when they extend their lot, they're extending the use further than what's on their current site plan. Without a variance, they couldn't expand the use, so the lot line change itself didn't need the

variance, it's the use and as we had pointed out in October, they need to put a companion application in to amend their current site plan.

MR. LANDER: What's on this lot right now? You're going to take this line out, what's there now?

MR. G. ARGENIO: This is the property right now, the asphalt plant is located here, piles are here, bins are here back in here we're storing processed material over on this side. Here would be the concrete plant and then we're over here.

MR. PETRO: Now, Mark, we're going to approve the lot line change, we're going to eliminate the lot line but approving the lot line change?

MR. EDSALL: You're going to move the line.

MR. PETRO: Okay, once we do that, the lands now can be conveyed to the equipment company?

MR. EDSALL: Correct.

MR. PETRO: Why does he have to make a site plan? He doesn't need to unless he wants to do something there.

MR. EDSALL: Well, you're proposing to use that property for a purpose, correct?

MR. G. ARGENIO: Existing purpose, I have approval for the existing purpose.

MR. EDSALL: You're not going to leave the new lands you're acquiring is not going to stay vacant, it's going to be used as part of your process?

MR. J. ARGENIO: It's been being used now we have permission to store materials on it now from this board.

MR. EDSALL: But is there a plan on record that I'm not aware of that shows what I'm pointing out is that whenever someone expands their use or changes their site plan.

MR. PETRO: It's already under lease from the Town of New Windsor now, it's just going to become ownership.

MR. EDSALL: Even if he turns the plan in for the record I don't know that there's a plan covering that land and it's just--

MR. LANDER: Because they didn't own it.

MR. EDSALL: They never came in for a site plan approval.

MR. J. ARGENIO: We did bring a plan in and get approval for the use.

MR. LANDER: Right.

MR. EDSALL: That was never stamped, that was a temporary approval, it's just a matter of turning a plan in that gets stamped otherwise there's nothing on record.

MR. PETRO: Still the land you're taking this piece of land and adding it to the land that's existing, now you're saying the zone line, is there a zone line that goes through this parcel?

MR. EDSALL: It's not a matter of the zoning, it's the same as with the application you considered earlier today, Mr. Hecht, if he wants to begin to use the rear of his property and put another building up or put another 50 vehicles back there or put up a fence, that's a site plan amendment, he has to come back here and get approval. That's what we're talking about here, you've got an approved site, they'd need to show

what they're going to do.

MR. PETRO: If they're only storing materials, they can come in with a sketch plan, I don't think they need a real site plan.

MR. LANDER: They didn't own the property at that time.

MR. PETRO: But they're only storing materials on the property, they're not going to show any buildings or anything, just going to say I'm dumping reclaimed material over here. What would they really need a site plan for? There wouldn't be anything there, there's the plan right there, there's no buildings going there.

MR. G. ARGENIO: The question would be just that we're presently using this property, by purchasing we lose the use of the property.

MR. EDSALL: Absolutely, not always, I'm saying right now in two years if there's a new code enforcement officer, nothing personal, Mike, and he comes out and says you're using that property, show me your approved site plan. You have no plan that shows the use of that property.

MR. PETRO: I suggest they make a sketch plan, give it to Mr. Babcock, put it in the file and that should suffice because the site plan, what are you going to show?

MR. EDSALL: I just want to protect Mr. Argenio that three or four years down the road there's something on record that shows that he has this board's approval.

MR. PETRO: You're point is well taken, I'm not saying no, but a sketch plan, a site plan what, would you draw on the site plan, pile of dirt?

MR. EDSALL: They can take the same site plan they have

now, draw the new perimeter on and say material storage area, simple as that.

MR. PETRO: But if he has it in the file.

MR. EDSALL: You're all aware of what he wants to do. My recommendation is that you have seen a temporary site plan in the past, if you have all discussed it and agree to the use, I would make a motion to approve the lot line change and the site plan amendment subject to the record plan being submitted for stamp of approval. That way, he's got a stamped site plan. We do it for every other site plan that's amended.

MR. J. ARGENIO: We have the use but you need to have something documenting that the use has been approved.

MR. EDSALL: By the board.

MR. PETRO: Motion for lead agency.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the New Windsor Equipment Rental.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

MR. LANDER: Public hearing, going to waive it?

MR. PETRO: Going to waive it, it's for a lot line

change, he just came from zoning board.

MR. LANDER: I just asked.

MR. J. ARGENIO: A hundred a fifty envelopes went out for the zoning board public hearing for the record.

MR. EDSALL: It is a record.

MR. BABCOCK: I don't recall, was there any people that showed up?

MR. J. ARGENIO: There was a couple of people, they didn't even--

MR. LANDER: Mr. Karnavezos, what do you think?

MR. KARNAVEZOS: I don't see the need for it.

MR. PETRO: Form of a motion since whitey over here don't want to say anything.

MR. KARNAVEZOS: I'll put that in the form of a motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for this lot line change, New Windsor Equipment Rental/Town of New Windsor lot line change. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I believe this board is in a position to approve the lot line change at this time and then as Mark stated, if you bring us a plan and show us exactly the use of the property and you show us that we can have it on file, it would be for the site plan amendment for that parcel. Any further discussion from the board members? And I think we need a motion for final approval.

MR. LANDER: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the New Windsor Equipment Rental/Town of New Windsor lot line change and the site plan change of use which we're going to have on file.

MR. EDSALL: Not change of use, site plan amendment.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	ABSTAIN
MR. LANDER	AYE
MR. PETRO	AYE

NEW WINDSOR EQUIPMENT

MR. EDSALL: I have one other issue I mentioned to you earlier, I was asked to just check the record on the lot line change application of New Windsor Equipment with the town application 03-34 and looking back on March 24 of this year, my comments outlined procedural steps for you to stay looking at, do you want a public hearing or not which you ended up waiving it, you had already determined yourself lead agency adopting a negative dec and then conditionally approving it. For some reason, looking at the minutes, they don't reflect you adopting the negative dec, there might have been a lot of discussion and it might have been misunderstood but the record isn't clear that you adopted a negative dec as part of the procedural steps, but we need to make sure that that's on the record.

MR. PETRO: Name of the applicant?

MR. EDSALL: New Windsor Equipment and Town of New Windsor lot line change and you did vote to approve it and you did vote all the other procedural steps but the record isn't clear that you adopted a negative dec for that lot line change.

MR. MASON: That was the video store?

MR. EDSALL: No, this is--

MR. PETRO: This is lands that was acquired from the Town by New Windsor Equipment from the Town of New Windsor. Did we remove a lot line?

MR. EDSALL: Yes, you adjusted a lot line. Obviously lot line changes are of extreme minor significance from a SEQRA standpoint because you're building nothing, just moving a property line, but the record isn't clear and I wanted to see it.

MR. PETRO: I'll entertain a motion to declare the negative dec for the New Windsor Equipment and Town of New Windsor lot line change.

MR. MASON: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the New Windsor Equipment and Town of New Windsor lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	ABSTAIN
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232
e-mail: mhenry@mhepc.com

Writer's e-mail address:
mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN OF NEW WINDSOR
LOT LINE CHANGE
PROJECT LOCATION: OFF ARGENIO DRIVE
SECTION 9 – BLOCK 1 – LOT 108 & 55
PROJECT NUMBER: 03-34
DATE: 24 MARCH 2004
DESCRIPTION: THE APPLICATION INVOLVES A LOT LINE CHANGE TO CONVEY
APPROXIMATELY 2.34 ACRES (A TRIANGULAR SHAPED PARCEL)
FROM THE TOWN TO NW EQUIPMENT. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 22 OCTOBER 2003 MEETING, AT
WHICH TIME IT WAS REFERRED TO THE ZBA.

1. The properties involved are in the R-4 and PI zoning districts of the Town. The proposed use of New Windsor Equipment Rental within the R-4 zone requires a use variance.

It is my understanding that the applicant has received the necessary variances from the ZBA relative to the USE OF THE PROPERTY. This is a separate issue from the Lot Line Change, which is the subject of this application.

As noted in my October 2003 comments, the applicant should submit a separate application for a site plan amendment for the extension of the use into the new area.
An appropriate plan depicting the existing and proposed uses should be included with that application.

2. The Board should assume the position of Lead Agency under the SEQRA review process. Following a determination regarding a public hearing, I believe a "neg dec" is appropriate.
3. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision (in form of lot line change), or if same can be waived per Paragraph 4.B of the Subdivision Regulations.

REGIONAL OFFICES

• 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

4. I believe Board is in a position to approve the lot line change at this time.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW03-34-23Mar04.doc

Manufacturers of
New York State
D.O.T. Approved
Bituminous Concrete



PLANT 14 Argenio Drive
New Windsor, NY 12553
Phone (845) 565-0277
Fax (845) 863-0503

OFFICE: PO Box 2068
Newburgh, NY 12550
Phone (845) 561-5102
Fax (845) 561-5410
E-mail argenio@prodigy.net

HUDSON VALLEY ASPHALT

Town of New Windsor Planning Board
555 Union Ave
New Windsor, NY. 12553

Attention; James Petro, Chairman New Windsor
Planning Board


September 15, 2004

Re; Application no. 3-34 New Windsor Equipment Rental and Service

Dear Mr. Petro;

We respectfully request two ninety day extensions for application no. 3-34, the subdivision of section block and lot no. 9-1-108 in the Town of New Windsor. The address of the subject property is 14 Argenio Drive off of Ruscitti Rd.

Thank You,


Genaro J. Argenio
President
New Windsor Equipment Rentals

*Granted 2 - 90-day
Ext.*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/24/2004

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/22/2003	P.B. APPEARANCE	REFER TO ZBA
10/01/2003	WORK SHOP APPEARANCE	SUBMIT

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 03-34

DATE: OCTOBER 30, 2003

APPLICANT:

NEW WINDSOR EQUIPMENT RENTAL / TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: OCTOBER 15, 2003

FOR: SITE PLAN

LOCATED AT: ARGENIO DRIVE

ZONE: R-4 & PI

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 108 & 55

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**PROPOSED USE OF NEW WINDSOR EQUIPMENT RENTAL WITHIN THE R-4 ZONE
REQUIRES A USE VARIANCE**

TOWN OF NEW WINDSOR CODE: _____


MICHAEL BABCOCK,
BUILDING INSPECTOR 

(Argenio)

New Windsor Equipment
Rental Site Plan Amendment

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # _____ ZONE: _____ USE: _____

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA			
MIN. LOT WIDTH			
REQUIRED FRONT YARD			
REQUIRED SIDE YARD			
REQUIRED TOTAL SIDE YARD			
REQUIRED REAR YARD			
REQUIRED FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE			
O/S PARKING SPACES			

USE
VARIANCE
FOR PLANT
USE IN
R-4
ZONE

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

PAGE 2 OF 2

If possible they
should have some
typewritten sketch at
ZBA meetings

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/16/2003


PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 3-34

NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN NEW WINDSOR
APPLICANT: NEW WINDSOR EQUIPMENT RENTAL

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/15/2003	REC. CK. #003586	PAID		150.00	
		TOTAL:	0.00	150.00	-150.00


(0/6/0)



RESULTS OF P.B. MEETING OF: October 22, 2003

PROJECT: N.W. Equip Rental / J. New Windsor P.B. # 03-34



NEGATIVE DEC:

M) S) VOTE: A N

CARRIED: Y_____N_____

CARRIED: Y N

WAIVED:

CLOSED: _____

M) _____ S) _____ VOTE: A _____ N _____

SCHEDULE P.H.: Y N

SEND TO DEPT. OF TRANSPORTATION: Y

SEND TO DEPT. OF TRANSPORTATION: Y_____ / *abstain*

REFER TO Z.B.A.: M) K S) S VOTE: A 4 N 0

RETURN TO WORK SHOP: Y N

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

CONDITIONS – NOTES:

Sending S.P. Amendment (ZBA)

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#974-2003**

10/16/2003

New Windsor Equipment Rental & Services #03-84

**Received \$ 50.00 for Planning Board Fees, on 10/16/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: NEW WINDSOR EQUIPMENT RENTAL/TOWN OF NEW WINDSOR
LOT LINE CHANGE & SITE PLAN AMENDMENT

PROJECT LOCATION: OFF ARGENIO DRIVE
SECTION 9 – BLOCK 1 – LOT 108 & 55

PROJECT NUMBER: 03-34

DATE: 22 OCTOBER 2003

DESCRIPTION: THE APPLICATION INVOLVES A LOT LINE CHANGE TO CONVEY
APPROXIMATELY 2.34 ACRES (A TRIANGULAR SHAPED PARCEL)
FROM THE TOWN TO NW EQUIPMENT.

1. The properties involved are in the R-4 and PI zoning districts of the Town. The proposed use of New Windsor Equipment Rental within the R-4 zone requires a use variance.

I recommend that the Planning Board refer this matter to the ZBA for the necessary variance.

2. When the applicant returns to the Planning Board, they should submit a separate application for a site plan amendment for the extension of the use into the new area. *This will be a separate application for the lot line change, which only deals with property ownership conveyance, not the use of the property.* An appropriate plan depicting the existing and proposed uses should be included on the plan.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW03-34-22Oct03.doc

REGIONAL OFFICES

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

ZBA REFERRAL:

NEW WINDSOR EQUIPMENT RENTAL/TOWN OF NEW WINDSOR LOT
LINE CHANGE (02-34)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. PETRO: This is New Windsor Equipment/Town of New Windsor lot line change on Argenio Drive.

MR. ARGENIO: I'm a minority shareholder in New Windsor Equipment Rentals. While I will not participate in the voting, if any members have any questions or information they need in the property, I will partake in that discussion.

MR. ARGENIO: As you're aware, about the two years ago, we got an approval to conduct a storage of processed materials on this property we presently are leasing from the Town. The Town has since agreed to sell us the property if we can get through the approval process and continue to do this. Since the Town is exempt from these approvals, I need to get the approval.

MR. PETRO: This application involves lot line change as Jerry said to convey approximately 2.34 acres. The map shows the parcel from the Town to the New Windsor Equipment properties involved are in R-4 and PI zoning districts of the Town proposed use within the R-4 zone requires a use variance so that's why we're sending him to the ZBA for necessary variances.

MR. EDSALL: Mr. Chairman, if I can make the record clear for the ZBA, I spoke with the applicant, they've actually got two issues, one is the lot line change which really doesn't need a variance, it's actually the site plan amendment that would show the uses on the property in that other zone that require the variance, so in the referral, you should be clear to the ZBA that

we're sending over a site plan amendment which just happens to be part of the same overall action which includes the lot line change, actually going to end up being two applications in the long run.

MR. PETRO: Jerry, the property that surrounds the parcel that you want to join to yours, nothing is there now, correct? I know it's against the pond.

MR. ARGENIO: Nothing.

MR. PETRO: Wetlands or is there just nothing there?

MR. ARGENIO: You guys all have maps, there's a section if you look at the delineated area, the area that goes off the map is the present property of New Windsor Equipment Rental, this road comes in from Ducktown and presently back there now the fire department burns some cars now and then, and sweepers dump some stuff back there, but there's no activity, no residents, no nothing.

MR. PETRO: This land in reality would have no use to anybody other than to be joined to your property? It's not a parcel that could be--

MR. ARGENIO: I don't see it being developed, no. The access is a narrow lane that comes down between the two ponds, the only access, and, of course, I would not utilize that access, that access with the lot line change would just be utilized through my property again.

MR. PETRO: Does anybody have any questions? I'll entertain a motion for final approval.

MR. KARNAVEZOS: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the New Windsor Equipment Rental/Town of New Windsor lot line change and site plan amendment. Any further discussion from the board? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. MASON	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	ABSTAIN
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you receive those variances, place them on a map and if you want to appear before this board again, you may.

MR. ARGENIO: When I appear, I'll have a full scale map.

MS. MASON: I'll send you all the paperwork.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change ☒ Site Plan _____ Special Permit _____

Tax Map Designation: Sec. 9 Block 1 Lot 108 + 55

BUILDING DEPARTMENT REFERRAL NUMBER

1. Name of Project New Windsor Equipment Rental & Svc DBA Hudson Valley
New Windsor Equipment Rental

2. Owner of Record T. OF New Windsor Phone 845-561-5102

Address: 14 ARGENT DR. NEW WINDSOR, NY. 12553
555 UNION AVE NEW WINDSOR, NY. 12553
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant New Windsor Eq. Rentals Phone 561-5102

Address: 14 ARGENT DR. NEW WINDSOR, NY. 12553
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan _____ Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

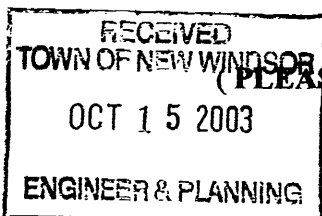
6. Person to be notified to appear at Planning Board meeting:

GENARO J. ARGENT 561-5102 561-5410
(Name) (Phone) (fax)

7. Project Location: On the EAST side of ARGENT DR.
(Direction) (Street)

8. Project Data: Acreage 2.34 Zone R-1 School Dist. _____
2.25

PAGE 1 OF 2



(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

03-34

9. Is this property within Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No ✓

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.)

lot line CHANGE

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no ✓

12. Has a Special Permit previously been granted for this property? yes _____ no ✓

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.: /

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

15th DAY OF October 2003

[Signature]
(OWNER'S SIGNATURE)

(AGENT'S SIGNATURE)

[Signature]
NOTARY PUBLIC

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Please Print Agent's Name as Signed

TOWN USE ONLY
TOWN OF NEW WINDSOR

OCT 15 2003

DATE ENGINEERING RECEIVED

03-34

APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT
(professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Town of New Windsor, deposes and says that he resides
(OWNER)

at 555 Union Ave - New Windsor, NY in the County of ORANGE
(OWNER'S ADDRESS)

and State of N. Y. and that he is the owner of property tax map

(Sec. 9 Block 1 Lot 55)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he designates:

Genaro J. Argenio (Hudson Valley Asphalt)
(Agent Name & Address)

(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

15th DAY OF October 2003

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Deborah Green
NOTARY PUBLIC

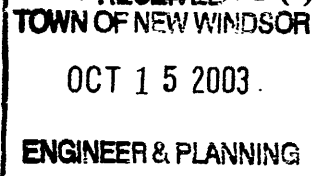
[Signature]
Owner's Signature (MUST BE NOTARIZED)

[Signature]
Agent's Signature (If Applicable)

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER



03-34

PROJECT I.D. NUMBER

617.21

SEC

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>New Windsor Eg. Rental DBA Hudson Valley Asphalt</i>	2. PROJECT NAME <i>Lot line change</i>
3. PROJECT LOCATION: Municipality <i>New Windsor</i> County <i>Dewitt</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>14 AGENIE Drive East of N.Y.S. Rte 32 Just off Ruscitti Rd.</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Lot Line change</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>2.25</i> acres Ultimately <i>2.25</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Seeking Referral to Zoning Board</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other <i>Describe: Wholesale Lumber yard to the North, Asphalt plant to the South, VACANT, wooded/semiwooded land to the East</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>DEC</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Gennaro A. Manno</i>	Date: <i>10-15-03</i>
Signature: <i>X [Signature]</i>	

RECEIVED The action is in the Coastal Area, and you are a state agency, complete the
TOWN OF NEW WINDSOR Coastal Assessment Form before proceeding with this assessment

OCT 15 2003

ENGINEER & PLANNING

OVER

1

03-34

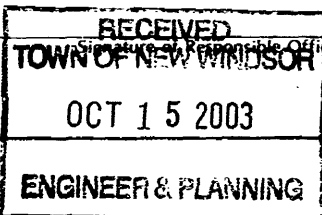
PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

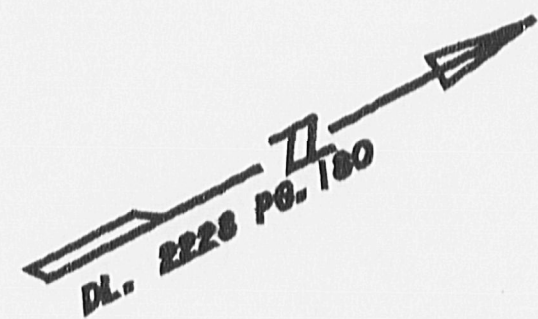
A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
Date	





COURSE	BEARING	DISTANCE
A)	N 89-01-21 E	38.00'
B)	N 78-31-21 E	33.00'
C)	N 05-58-39 W	11.00'
D)	N 78-31-21 E	65.73'
E)	S 07-27-37 E	66.52'
F)	S 19-12-57 E	65.22'
G)	S 33-21-00 E	23.90'
H)	S 55-33-00 W	15.48'
I)	S 53-30-57 W	54.40'
J)	S 36-29-03 E	117.10'
K)	S 11-44-03 E	18.80'
L)	S 09-06-54 E	34.64'
M)	S 46-32-17 W	75.00'
N)	S 44-03-33 W	36.17'
P)	S 42-40-44 E	46.54'
Q)	S 42-40-44 E	1.46'

FILED MAP REFERENCES:
CLANCY TERRACE MAP # 645 FILED FEBRUARY 07, 1916
JOHN J. CLANCEY MAP # 1181 FILED JULY 31, 1940
SUBDIVISION JOSEPH RUSCITTI MAP # 6335 FILED SEPT. 07, 1983
LOT LINE CHANGE ARGENIO BROTHERS MAP # 8797 FILED MARCH 31, 1988
MINOR SUBDIVISION ALLEN R. CHERRY MAP # 7291 FILED OCT. 15, 1985
RAILROAD MAP # V-6-N.Y. NO. 17 AND 18

ZONING BOARD NOTE

AT THE FEBRUARY 09, 2004 ZONING BOARD MEETING A USE VARIANCE WAS GRANTED TO NEW WINDSOR EQUIPMENT RENTALS TO STORE & HANDLE AGGREGATE PRODUCTS ON 2.35 ACRES IN THE R-4 ZONE ADJACENT TO THE PI ZONE

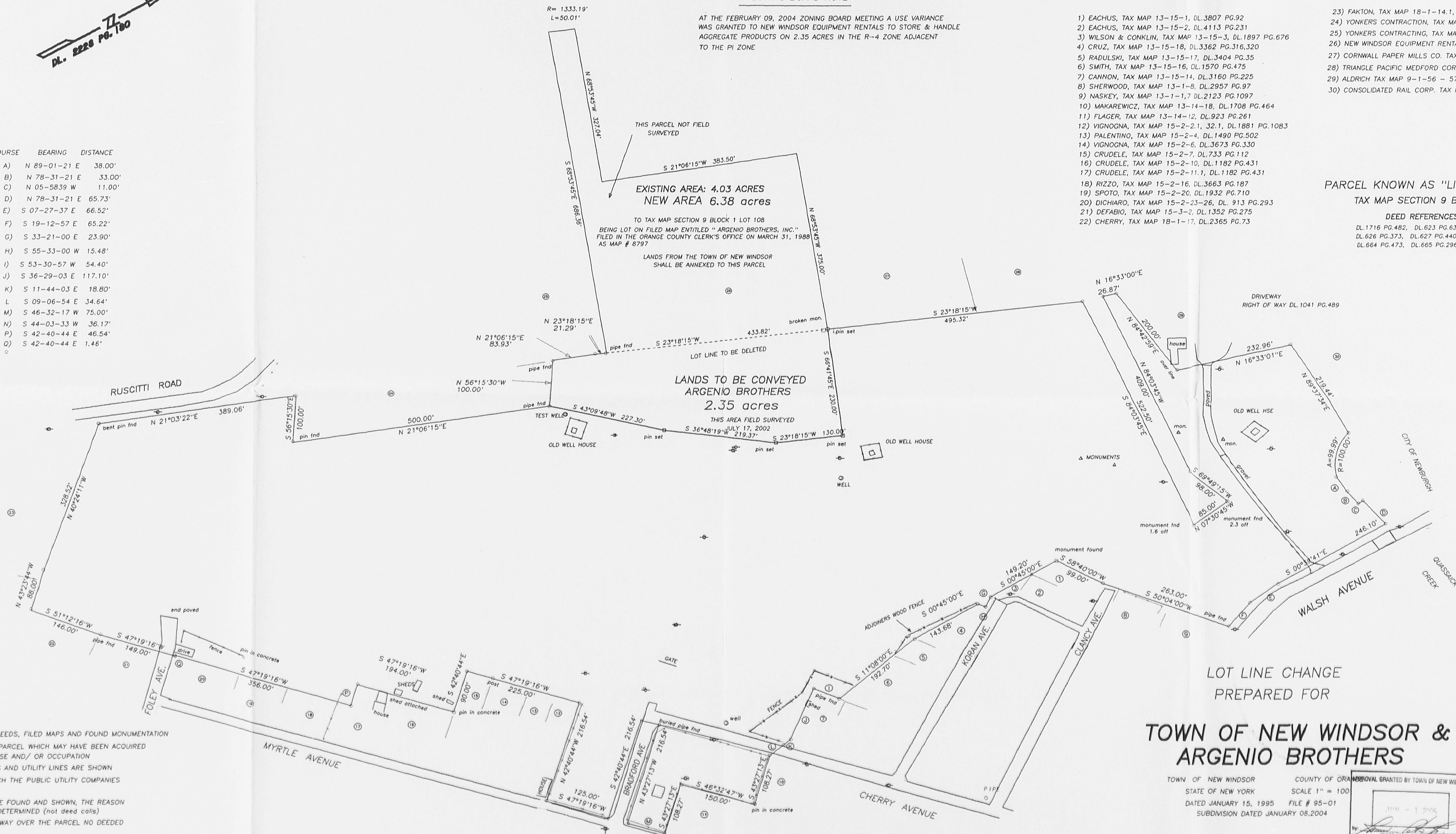
TABLE OF ADJOINING OWNERS

- 1) EACHUS, TAX MAP 13-15-1, DL.3807 PG.92
- 2) EACHUS, TAX MAP 13-15-2, DL.4113 PG.231
- 3) WILSON & CONKLIN, TAX MAP 13-15-3, DL.1897 PG.676
- 4) CRUZ, TAX MAP 13-15-18, DL.3362 PG.316,320
- 5) RADULSKI, TAX MAP 13-15-17, DL.3404 PG.35
- 6) SMITH, TAX MAP 13-15-16, DL.1570 PG.475
- 7) CANNON, TAX MAP 13-15-14, DL.3160 PG.225
- 8) SHERWOOD, TAX MAP 13-1-8, DL.2957 PG.97
- 9) NASKEY, TAX MAP 13-1-17, DL.2123 PG.1097
- 10) MAKAREWICZ, TAX MAP 13-14-18, DL.1708 PG.464
- 11) FLAGER, TAX MAP 13-14-12, DL.923 PG.261
- 12) VIGNOGNA, TAX MAP 15-2-2.1, 32.1, DL.1881 PG.1083
- 13) PALENTINO, TAX MAP 15-2-4, DL.1490 PG.502
- 14) VIGNOGNA, TAX MAP 15-2-6, DL.3673 PG.330
- 15) CRUDELE, TAX MAP 15-2-7, DL.733 PG.112
- 16) CRUDELE, TAX MAP 15-2-10, DL.1182 PG.431
- 17) CRUDELE, TAX MAP 15-2-11.1, DL.1182 PG.431
- 18) RIZZO, TAX MAP 15-2-16, DL.3663 PG.187
- 19) SPOTO, TAX MAP 15-2-20, DL.1932 PG.710
- 20) DICHIARO, TAX MAP 15-2-23-26, DL. 913 PG.293
- 21) DEFIABIO, TAX MAP 15-3-2, DL.1352 PG.275
- 22) CHERRY, TAX MAP 18-1-17, DL.2365 PG.73
- 23) FAKTON, TAX MAP 18-1-14.1, DL.2365 PG.76
- 24) YONKERS CONTRACTION, TAX MAP 9-1-49.2, DL.2228 PG.180
- 25) YONKERS CONTRACTING, TAX MAP 9-1-48,
- 26) NEW WINDSOR EQUIPMENT RENTALS INC. TAX MAP 91-1-108
- 27) CORNWALL PAPER MILLS CO. TAX MAP 9-1-45.2, DL.2021 PG.768
- 28) TRIANGLE PACIFIC MEDFORD CORP., TAX MAP 9-1-45.1 DL.1925 PG.683
- 29) ALDRICH TAX MAP 9-1-56 - 57, DL.3587 PG.33
- 30) CONSOLIDATED RAIL CORP. TAX MAP 9-1-44.2, MAP V-6-N.Y.17-18

PARCEL KNOWN AS "LITTLE FALLS POND"

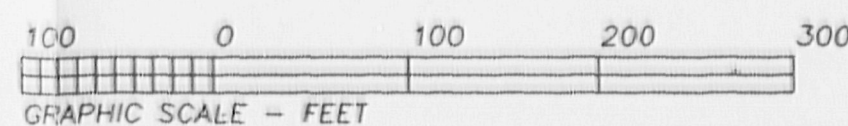
TAX MAP SECTION 9 BLOCK 1 LOT 55

DEED REFERENCES
DL.1716 PG.482, DL.623 PG.63, DL.946 PG.58
DL.628 PG.373, DL.627 PG.440, DL.642 PG.311
DL.664 PG.473, DL.665 PG.296



SURVEY NOTES

- 1) BOUNDARY LINES ARE BASED ON DEEDS, FILED MAPS AND FOUND MONUMENTATION
- 2) SUBJECT TO ANY RIGHTS ON THE PARCEL WHICH MAY HAVE BEEN ACQUIRED BY ANY ADJOINING OWNERS FROM USE AND/OR OCCUPATION
- 3) NO UNDERGROUND IMPROVEMENTS AND UTILITY LINES ARE SHOWN
- 4) SUBJECT TO ALL EASEMENTS WHICH THE PUBLIC UTILITY COMPANIES HAVE OVER THE PARCEL
- 5) FOUR CONCRETE MONUMENTS ARE FOUND AND SHOWN, THE REASON FOR THESE MONUMENTS IS NOT DETERMINED (not deed colls)
- 6) LANDS OF ALDRICH USES A DRIVEWAY OVER THE PARCEL NO DEEDED RIGHT OF WAYS FOUND
- 7) NO NYS DEC AND / OR FEDERAL WETLANDS ARE SHOWN



LOT LINE CHANGE PREPARED FOR

TOWN OF NEW WINDSOR & ARGENIO BROTHERS

TOWN OF NEW WINDSOR
STATE OF NEW YORK
DATED JANUARY 15, 1995
SUBDIVISION DATED JANUARY 08, 2004

COUNTY OF ORANGE
SCALE 1" = 100
FILE # 95-01

APPROVAL GRANTED BY TOWN OF NEW WINDSOR
JAN 15 2005

DANIEL J. O'BRIEN
PROFESSIONAL LAND SURVEYOR
239 MILLSBURG ROAD (845) 355-3608
MIDDLETOWN, N.Y. 10840

EXISTING AREA: 36.08 ACRES
NEW AREA: 33.73 ACRES
AFTER LOT LINE CHANGE

UNAUTHORIZED ALTERATION OF ANY PART OF THIS MAP IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT BEING THE EMPOWERED COPY OF THE LAND SURVEY SHALL NOT BE VALID. SIGNATURES OF CERTIFICATIONS ARE NOT RECOGNIZED BY ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

049820-1